

# **6 FAH-2 H-440 AWARDING CONTRACTS**

## **6 FAH-2 H-441 TYPES OF COMPETITION**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

The ways to determine the contract award determination are based on the two (2) solicitation processes:

- (1) Sealed Bidding (see also 6 FAH-2 H-213.1 ); and
- (2) Competitive Proposals.

The award determination is covered in the following sections.

## **6 FAH-2 H-442 AWARD DETERMINATION**

### **6 FAH-2 H-442.1 Sealed Bidding**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

The contract award must be made to the lowest priced, responsive offer from a responsible bidder. There can be no discussions with any bidder(s).

### **6 FAH-2 H-442.2 Competitive Proposals**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

a. Whatever the type of contract or kind of requirement, the contract award is made to the offeror whose proposal offers the greatest advantage to the U.S. Government, price and other factors considered, in accordance with the solicitation.

b. The Contracting Officer is responsible for selecting the offeror to be awarded the contract, taking into consideration the recommendations of the COR, Technical Evaluation Panel, and other advisory personnel.

c. The Contracting Officer is responsible for preparing the final contract document. The Contracting Officer will review the contract and file documents for completeness, accuracy, and compliance with requirements. Before release of this document to the Contractor for signature, the Contracting Officer coordinates with all parties to the negotiation to ensure that the final document incorporates the agreements reached in negotiations.

d. The Contracting Officer then transmits the contract package to the Contractor for acceptance and signature. The signed contract is returned to the Contracting Officer who signs it on behalf of the Government. The contract becomes effective on the date signed by the Contracting Officer, unless otherwise specified in the contract. A copy of the fully executed contract is forwarded to the contractor, the COR, and the finance office.

## **6 FAH-2 H-443 DETERMINATION OF RESPONSIBILITY**

*(TL:CORH-1; 08-21-1997)*  
*(State Only)*

a. The FAR requires that purchase be made only from firms whom the Contracting Officer has determined to be responsible and stipulates that a potential contractor must have adequate financial resources or the ability to obtain them; be able to comply with the delivery or performance schedule; have a satisfactory record of performance, integrity, and business ethics; and be otherwise qualified and eligible to receive award.

b. If the Contracting Officer finds that the prospective contractor does not demonstrate responsibility, a determination of nonresponsibility must be made and the contract not awarded to that offeror. However, when a small business is involved, the Contracting Officer cannot make a determination of responsibility but must bring the matter to the attention of the Small Business Administration (SBA). The SBA will initiate its own review and make a determination. If the SBA finds that the firm is responsible, it will issue a Certificate of Competency. Upon receipt of the certificate, the Contracting Officer has fulfilled his or her obligation and may proceed with the award.

c. If there is insufficient information to make a determination regarding contractor responsibility, the Contracting Officer may request a preaward survey before awarding a contract to a firm with which the Department has not had a contract for similar work (unless the firm has received a Certificate of Competency from the SBA). The extent of the survey depends upon the type of services being acquired.

## **6 FAH-2 H-444 THROUGH H-449 UNASSIGNED**